

House Study Bill 157 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SEXTON)

A BILL FOR

1 An Act providing for the transportation of biogas using a
2 gathering line system constructed within a secondary road
3 right-of-way, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 306.2, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "*Biogas gathering line system*" means a
4 system of one or more gathering lines as defined in 49 C.F.R.
5 §192.3, if each gathering line operates at or under one hundred
6 twenty-five per square inch gauge, and is used to transport
7 biogas from one or more anaerobic digester systems, as defined
8 in section 459.102, to a processing facility for the production
9 of renewable natural gas.

10 Sec. 2. Section 306.46, Code 2023, is amended to read as
11 follows:

12 **306.46 ~~Public utility~~ Utility facilities — public road**
13 **rights-of-way.**

14 1. a. A public utility may construct, operate, repair,
15 or maintain its utility facilities within a public road
16 right-of-way. The location of new utility facilities shall
17 comply with [section 318.9](#). A utility facility shall not be
18 constructed or installed in a manner that causes interference
19 with public use of the road.

20 ~~2.~~ b. For purposes of ~~this section~~ paragraph "a", "*public*
21 *utility*" means a public utility as defined in [section 476.1](#), and
22 shall also include waterworks, municipally owned waterworks,
23 joint water utilities, rural water districts incorporated under
24 chapter 357A or [chapter 504](#), cooperative water associations,
25 and electric transmission owners as defined in [section 476.27](#)
26 primarily providing service to public utilities as defined in
27 [section 476.1](#). For the purposes of ~~this section~~ paragraph
28 "a", "*utility facilities*" means any cables, conduits, wire,
29 pipe, casing pipe, supporting poles, guys, and other material
30 and equipment utilized for the furnishing of electric, gas,
31 communications, water, or sewer service.

32 2. A person owning, operating, or controlling an anaerobic
33 digester system or a person owning, operating, or controlling a
34 processing facility for the production of renewable natural gas
35 may construct, operate, repair, or maintain a biogas gathering

1 line system within a secondary road right-of-way. A gathering
2 line system shall not be constructed or installed in a manner
3 that, by its use, causes interference with public use of the
4 road.

5 3. This section shall not impair or interfere with a city's
6 authority to grant, amend, extend, or renew a franchise as
7 provided in section 364.2, and shall not impair or interfere
8 with a city's existing general police powers to control the use
9 of its right-of-way.

10 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
11 importance, takes effect upon enactment.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill amends provisions that allow a public utility to
16 construct, operate, and maintain a public utility facility
17 within a public road right-of-way so long as the facility
18 does not cause interference with the road's use (amended
19 Code section 306.46). The bill provides the same right to
20 a person who constructs, operates, and maintains one or more
21 gathering lines located within a secondary road right-of-way
22 that transport biogas from an anaerobic digester system
23 to a processing facility for the production of renewable
24 natural gas. An anaerobic digester system is connected to a
25 confinement feeding operation housing livestock that stores
26 liquid manure on site using a storage structure (Code section
27 459.206). An anaerobic digester processes liquid manure
28 by utilizing bacteria to break down organic matter in the
29 absence of oxygen for purposes of producing, collecting, and
30 transporting biogas (Code section 459.102). Generally, a
31 gathering line is a type of pipeline used to move gas from
32 its point of production to another facility for processing
33 (refinement).

34 The bill takes effect upon enactment.